

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

The South Carolina State Conference)	
Of the NAACP,)	
)	Case No.: 3:21-cv-03302-JMC-TJH-RMG
and)	
)	
Taiwan Scott , on behalf of himself and all)	
Other similarly situated persons,)	
)	
Plaintiffs,)	
)	
Vs.)	
)	
Thomas C. Alexander , in his official)	ELECTION DEFENDANTS' ANSWERS
Capacity as President of the Senate;)	TO RULE 26(a)(3) DISCLOSURES
Luke A. Rankin , in his official capacity as)	
Chairman of the Senate Judiciary;)	
James H. Lucas , in his official capacity as)	
Speaker of the House of Representatives,)	
Chris Murphy , in his official capacity as)	
Chair of the House of Representatives)	
Judicial Committee;)	
Wallace H. Jordan , in his official capacity)	
as Chair of the House of Representatives)	
Elections Law Subcommittee;)	
Howard Knapp , in his official capacity as)	
Interim Executive Director of the South)	
Carolina State Election Commission;)	
John Wells, JoAnne Day, Clifford J.)	
Edler, Linda McCall and Scott Moseley ,)	
in their official capacity as member of the)	
South Carolina State Election Commission,)	
)	
Defendants.)	
)	

Pursuant to Rule 26(a)(3), Defendants Howard Knapp, in his official capacity as Interim Executive Director of the South Carolina State Election Commission, John Wells, JoAnne Day, Clifford J. Edler, Linda McCall, and Scott Moseley ("Election Defendants"), hereby respond as follows:

(i) **The name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises.**

Response: Election Defendants assert no claims in this case, and Plaintiffs seek no affirmative relief from the Election Defendants. Federal and state law, in particular Title 7 of the S. C. Code Ann., prescribes and proscribes the powers, authority, duties and responsibilities of the Election Commission, its Executive Director, and Commission Members. If and when necessary or appropriate, the Election Defendants may offer testimony from a witness competent to address the procedures, tasks, and timelines established in Title 7, their purposes, function, and implementation process, the related logistics, challenges and practicalities concerning the various procedures and deadlines in Title 7, as well as the deadlines and procedures necessary to comply with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), 52 U.S.C. § 20301, *et seq.*, and the National Voter Registration Act (NVRA), 52 U.S.C. § 20501, *et seq.*, and the feasibility of potential changes to the statutory deadlines and time periods.

In the event the Court determines that Plaintiffs are entitled to any of the relief requested in paragraphs v through x of their prayer for relief (Second Amended Complaint, ECF 154 at p. 83), the Election Defendants would respectfully request the opportunity to offer testimony relating to the issues in the foregoing paragraph as they relate to implementation of such relief, and to address any questions the Court may have about the logistics and timelines for the work necessary to implement such relief.

Selection of an appropriate witness will depend on the nature and timing of any relief granted. Until then, Election Defendants could only speculate about the potential issues that may arise. At present, the deadlines are those set forth in Title 7, UOCAVA, and the NVRA, which

are summarized in the “2022 Election Calendar Relevant Deadlines” attached to the Parties’ Joint Rule 26(f) Report, ECF 109-1.

(ii) The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

Response: Not applicable.

(iii) An identification of each document or other exhibit, including summaries of other evidence—separately identifying those items the party expects to offer and those it may offer if the need arises.

Response: 2022 Election Calendar Relevant Deadlines, ECF 109-1.

Respectfully Submitted,

s/ Jane W. Trinkley

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